

### **REMARKS**

Claims 1, 2, 4-26, and 28-30 are currently pending in the subject application and are presently under consideration. Applicants' representative respectfully requests that any additional Office Action that may be issued after conducting a new search should be issued as a Non-Final Office Action since no claims have been amended in this Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1, 2, 4-26, and 28-30 Under 35 U.S.C. §102(e)**

Claims 1, 2, 4-26, and 28-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hunt *et al.* (US 2008/0319829 A1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hunt *et al.* does not qualify as a citable prior art reference. The subject application has a filing date of March 29, 2004. Hunt, *et al.* was filed on January 28, 2008 and is a continuation in part of Kruger *et al.* (US 2005/0187972), which was filed on February 20, 2004. Applicants' representative believes that cited paragraphs [0340 and 0443] of Hunt, *et al.* that are asserted to read on the features of the independent claims do not disclose or suggest all of the features of these claims. Irrespective of this belief, these cited paragraphs are not disclosed in Kruger *et al.* As such, for purposes of determining the eligibility of Hunt *et al.* as a citable prior art reference, the February 20, 2004 filing date of Kruger *et al.* is not applicable. Thus, the January 28, 2008 filing date of Hunt *et al.* disqualifies the cited reference as prior art.

Moreover, Kruger *et al.* does not teach each and every element the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject claims relate to employing a key performance indicator (KPI) specifying document that can be employed to query an appropriate database and generated a resulting document formatted according the definitions in the KPI document. In particular, independent

claim 1 recites *a client device user interface component; a processor component that receives KPI identification information from the interface component for one or more KPIs and **generates a KPI document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each KPI, the KPI document including text and graphical display parameters for each KPI**; and a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component.*

Kruger, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claims. The cited reference discloses a database that fuses data from multiple sources. Competitive and complementary fusion techniques are employed to fill in data holes and update data accuracy in a retail marketing multi-dimensional data cube. However, the reference does not disclose a KPI document provided by a client device that identifies one or more KPIs to be retrieved, information identifying how to retrieve each KPI, and text and graphical display parameters for each KPI. Therefore, Kruger, *et al.* fails to suggest all of the features of the subject claim.

Independent claim 12 recites *means for receiving information associated with user desired KPIs from a client device; **means for creating a KPI document based upon the user desired KPIs, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI**; and means for utilizing the KPI document to query one or more data stores and generate a result document from the query results, and transmitting the result document back to the client device.* As noted, *supra*, Kruger, *et al.* fails to disclose a KPI document provided by a client device that defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI as recited in claim 12 and thus fails to suggest all of the features of claim 12.

Independent claim 14 recites *receiving data from a client device specifying KPIs of interest; **generating a KPI document from the received data, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a***

*database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; querying one or more data stores utilizing data provided in the KPI document; and generating a result document from the query results.* As discussed above, Kruger *et al.* does not disclose the KPI document provided by a client device as also recited in claim 14.

Independent claim 23 recites *receiving data specifying performance indicators of interest; generating a KPI document from the received data, wherein the KPI document defines for each KPI: a KPI name, one or more query expressions for retrieving the KPI, a database to query, and display definition for the KPI, the display definition including text and graphical display parameters for the KPI; querying at least one remote data store for metric data based upon database connection data from the KPI document; and generating a result document containing metric data for a plurality of columns related to one or more performance indicators.* For the reasons disclosed above, Kruger *et al.* is silent regarding the similarly recited KPI document of claim 23.

In view of the foregoing, applicants' representative respectfully submits that Kruger, *et al.* fails to disclose or suggest all features of independent claims 1, 12, 14 and 23 (and claims 2, 4-11, 13, 15-22, 24-26, and 28-30 that depend there from), and thus fails to anticipate the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP597US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,  
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